



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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2008 APR 23 A 11:30

MEMORANDUM

SENSITIVE

TO: The Commission APR 23 2008

FROM: Thomasenia P. Duncan
General Counsel

Kathleen M. Guith
Acting Associate General Counsel for Enforcement

BY: Sidney Rocke *SR*
Assistant General Counsel

Dawn M. Odrowski *DMO*
Attorney

Ana Peña-Wallace *APW*
Attorney

SUBJECT: MUR 5646 (Jesse D. Burchfield)

Attached is a proposed conciliation agreement that has been signed by Respondent Jesse Burchfield, the former campaign manager of Cohen for New Hampshire ("the Committee"), who also acted as the Committee's *de facto* treasurer during the 2004 election cycle. Attachment 1. The proposed agreement would settle knowing and willful violations of 2 U.S.C. § 434(b) for Burchfield's deliberate failure to report, and his misreporting of, \$305,000 in Committee receipts and disbursements in disclosure reports he filed with the Commission; and violations of 2 U.S.C. §§ 439a(b) and 432(c) for converting \$10,380 in campaign funds to personal use and for failing to maintain appropriate records of disbursements, respectively.

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Given Burchfield's poor financial condition and the nature of his violations in the underlying matter, we also included a provision in the agreement requiring Burchfield to submit his civil penalty check at the time he signed the agreement. Attachment 2 at 7. He has done so. Attachment 3.

In light of the mitigating circumstances presented by Burchfield's financial condition and the fact that he was sentenced to, and served, a sentence of one year probation with six months home detention based on a criminal prosecution for filing false statements with the Commission, we recommend that the Commission accept the signed conciliation agreement and close the file in this matter.

RECOMMENDATIONS:

1. Accept the attached conciliation agreement with Jesse Burchfield.
2. Approve the appropriate letters.
3. Close the file in this matter.

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